IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.981 OF 2003.

Vithal Sahakari Sakhar ... Appellant.

V/s.

The Deputy Commissioner of Income Tax (Spl.Range-3) and Ors. ... Respondents.

Mr Bhushan Mahadik for the Appellant.

Mr Ashok Kotangale with P. S. Sahadevan for the respondents.

CORAM : DR.S.RADHAKRISHNAN and V.C.DAGA, JJ.

DATED : 23rd April 2007.

P.C. :
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1. Heard the learned counsel for the parties.

2. The learned counsel for the appellant pressing only the following two questions of law;

> 1. Whether on the facts and in the circumstances of the case and in law, the Tribunal relying upon the decision of the Hon'ble High Court of Bombay in the case of **Shri Chhatrapati S.S.K.Ltd (245 ITR 498)** was right in making addition made by the Assessing Officer on account of interest on non-refundable deposit collected by the Assessee out of the sugarcane purchase price payable to the cane growers as Trading Receipts of the Assessee?
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> 2. Whether on the facts and in the circumstances of the case and in law, the Tribunal was right in making addition of Rs.

26,882/-deleted by the Assessing Officer on account of guest house expenses?

3. As far as the first question of law is concerned, the learned counsel for the parties state that the said question is squarely covered by the judgment of the Supreme Court reported in the case of **Commissioner of Income-tax v. Rajaram Bandekar and Sons (Shipping)Pvt.Ltd. 1999 ITR 628 (S.C.)**.

4. Under the aforesaid facts and circumstances of the case, we do not find any substantial question of law involved in the appeal. We, therefore, dismiss the appeal with no order as to costs.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN, J.)**